

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



Date: November 1, 1999

TO: ALL PROVIDER AND ADVOCATE ORGANIZATIONS FOR
CHILD DAY CARE FACILITIES

FROM: MARTHA LOPEZ, Deputy Director
Community Care Licensing Division
California Department of Social Services

SUBJECT: IMPORTANT NEW BACKGROUND CHECK LAW CHANGES

This letter provides important information about a new law that affects the background check requirements for volunteer staff in child day care facilities.

Assembly Bill 1659 (AB 1659), Chapter 881, Statutes of 1999 was recently signed by the Governor. This Department sponsored bill intended to clarify various criminal record clearance requirements that were enacted in last years SB 933 bill. AB 1659 makes the following changes to the fingerprint background check requirements in the California Child Day Care Act, Health and Safety Code Section 1596.871. These changes became effective October 10, 1999:

- I. Only the following persons are exempt from background check requirements:
 - A. Volunteers who meet all of the following conditions:
 - the volunteer is providing time-limited specialized services.
 - the volunteer is directly supervised by the licensee or a facility employee with a criminal record clearance or exemption.
 - the volunteer spends no more than 16 hours per week at the facility.
 - the volunteer is never left alone with children in care.
 - B. Students enrolled or participating at an accredited educational institution who meet all of the following conditions:
 - the student is directly supervised by the licensee or a facility employee with a criminal record clearance or exemption.
 - the facility has, on file, a written agreement with the educational institution concerning the placement of students.
 - the student spends no more than 16 hours per week at the facility.
 - the student is never left alone with children in care.

- C. A volunteer who is a relative, legal guardian, or foster parent of a child in the facility.
 - D. A contracted repairperson retained by the facility, if never left alone with children in care.
- II.** The licensee is permitted, at their own initiative, to require a background check on any individual, even though the statute exempts them.

AB 1659 was enacted as an urgency statute therefore the Department will begin enforcing these changes effective October 10, 1999. The Child Day Care Center, and Family Child Care Home regulations are currently being revised to reflect this new law change. In the meantime, attached is a flyer your staff can duplicate and distribute to providers informing them of the new law changes. If you have any questions you may call Vincent Herrera, Central Operations Branch, Policy Analyst at (916) 322-5419.

Thank you for your cooperation in implementing this new state law that directly affects you and your facility operations.

Attachment

October 11, 1999



IMPORTANT!

New Background Check Laws for Child Day Care facilities. The Governor recently signed into law Assembly Bill 1659. This new law made the following changes effective October 10, 1999,

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 - C. A volunteer who is a relative, legal guardian, or foster parent of a child in the facility.
 - D. A contracted repairperson retained by the facility, if never left alone with children in care.
- II. The licensee is permitted, at their own initiative, to require a background check on any individual, even though the statute exempts them.